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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JERABEK, KELLY L

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,067

Applicant(s)

MANOWITZ ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1-5 and 8-11 rejected under 35 U.S.C. 102(e) as being anticipated by  
Steinberg US 2002/0041329.**

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal

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to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39).

Therefore, since the user profile is built based on image information it can be seen that the digital camera must send image data to the remote storage device (12). Also, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, the data is sent exclusively to the remote storage device.

Re claim 2, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 3, Steinberg states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). The camera (14) includes a ROM (149) and ROM (150) to store image data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, the camera (14) includes a display (48) for viewing image data and advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 5, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page,

2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 8, figure 1 shows that only a message center (12) connected to the network can receive the image information. Therefore, uploading the image data occurs only at the predetermined remote location (message center (12)).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a

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user profile based on image information from the camera (page 3, paragraph 39).

Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2).

Re claim 10, Steinberg states that the digital camera (14) includes a camera digital image acquisition apparatus (88) for forming image data (page 4, paragraph 52).

Re claim 11, when the camera (14) is turned on it **automatically** transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Alternatively, an intelligent advertisement center may build a user profile based on image information from the camera (page 3, paragraph 39). Therefore, since the user profile is built based on image information it can be seen that image data from the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is

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downloaded from the predetermined remote location (message center (12)) to the digital camera (14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg.**

Re claim 6, the examiner takes **Official Notice** that it is well known in the art for an advertiser to compensate a distributor based on the exposure of the advertising data to the consumer (user). It would have been obvious to one of ordinary skill in the art at the time of invention for the in-camera advertisement system of Steinberg to include the business method of an advertiser compensating a distributor based on the exposure of the advertising data to the consumer.

Re claim 7, the examiner takes **Official Notice** that it is well known in the art for a distributor to compensate a consumer (user) based on the consumer's


exposure to an advertisement. It would have been obvious to one of ordinary skill in the art at the time of invention for the in-camera advertisement system of Steinberg to include the business method of a distributor compensating a consumer based on the consumer's exposure to an advertisement.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NGOC-YEN VU  
PRIMARY EXAMINER